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October 8, 2012

**BY ECF**

Honorable Vera M. Scanlon  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Aytch v. Redmond, et al.*, 12 CV 3416 (RRM) (VMS)

Your Honor:

I am the attorney for plaintiff in the above-referenced civil rights matter. I write pursuant to Local Civil Rule 1.4 to respectfully request leave of Court for my firm to withdraw from the representation of the plaintiff in this case and for Joshua Fitch, Esq. to appear as substitute counsel.

The reason for this substitution is that defendants have alleged that my firm has a conflict based on my partner's former representation of a defendant in this case. My firm strongly disputes defendants' claim and will be outlining our position in a letter to defense counsel. Nevertheless, as set forth in the annexed affidavit, we have determined, in consultation with the plaintiff, that it is in the client's interest for our firm to make the instant application for substitution. The undersigned has conferred with Mr. Fitch, who has noticed his appearance, and he is aware of the current schedule and is prepared to meet all present deadlines. Discovery in the matter has not yet commenced. My firm is not asserting a retaining or charging lien.

Accordingly, pursuant to Local Rule 1.4, it is respectfully requested that the Court issue an order removing Gabriel P. Harvis, Robert Marinelli and the firms of Harvis Marinelli Saleem & Wright LLP and Harvis Wright Saleem & Fett LLP from the docket as counsel of record and that Joshua Fitch, Esq. be substituted as counsel of record.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis

Encl.

cc: Mr. Ashmean Aytch (by mail)  
ACC Max McCann, Esq. (by ECF)  
Joshua Fitch, Esq. (by ECF)